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Attorneys for Defendant

HEARST COMMUNICATIONS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SHAHID BUTTAR FOR CONGRESS
COMMITTEE, et al.,

Plaintiffs,

vs.

HEARST COMMUNICATIONS, INC.,

Defendant.

Case No. 3:21-cv-05566-EMC

**REPLY DECLARATION OF DIEGO
IBARGUEN IN FURTHER SUPPORT OF
DEFENDANT HEARST
COMMUNICATIONS, INC.'S MOTION TO
DISMISS AND SPECIAL MOTION TO
STRIKE PLAINTIFFS' COMPLAINT**

Date: March 17, 2022

Time: 1:30 p.m.

Place: Courtroom 5, 17th Floor

REPLY DECLARATION OF DIEGO IBARGUEN

1. I, Diego Ibarguen, am employed as Counsel for The Hearst Corporation and represent Hearst Communications, Inc. ("Hearst") in this action. I make this declaration of

1 personal knowledge and if called as a witness I could and would testify competently to the facts
2 stated herein.

3 2. Attached hereto as Exhibit 1 is a true and correct copy of a complete single thread
4 of email communications between Hearst employees and representatives of the Buttar Campaign
5 on July 21-22, 2020, all of which are incorporated by reference in the Complaint (¶¶ 17-18, 21-
6 22, 29-32) and their Opposition (pp. 3-4, 5-6, 11, 14). Of particular note, this thread includes an
7 email sent at 5:44 am on July 22, 2020 by Patricia Brooks to *San Francisco Chronicle* reporter
8 Joe Garofoli.

9 I declare, under penalty of perjury, that the foregoing is true and correct.

10 Executed in Edgewater, New Jersey, on February 22, 2022.

11 /s/ Diego Ibarguen

12 Diego Ibarguen
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Exhibit 1

Date: Thu, 23 Jul 2020 9:42:15 PM (UTC)
Sent: Thu, 23 Jul 2020 9:42:13 PM (UTC)
Subject: RE: [EXT] Fwd: Fw: SF Chronicle needs response for deadline story
From: Diaz, John <JDiaz@sfchronicle.com >
To: Patricia Brooks <patricia@matchmapmedia.com >; Garofoli, Joe <JGarofoli@sfchronicle.com >;
CC: Garofoli, Joe <JGarofoli@sfchronicle.com >; Whitney, Spencer <SWhitney@sfchronicle.com >;

Hello Patricia: I'm going to pass on this as an op-ed for a couple of reasons. One, as a matter of fairness, I'm not sure that one woman's testimonial of her experience with Buttar necessarily discredits the accuser's account. Also, as for the suggestion that he has changed, I'm sure you've seen the allegations of mistreatment of women campaign staffers, which is not from "many years" ago and this piece does not mention. If you want to lend your voice of support for Buttar I would suggest the appropriate forum would be a letter to the editor. You can send it via our online form (sfchronicle.com/letters) and I will ask my colleague Spencer Whitney to be on the lookout for it. Thanks, John

From: Patricia Brooks <patricia@matchmapmedia.com >
Sent: Thursday, July 23, 2020 2:20 PM
To: Garofoli, Joe <JGarofoli@sfchronicle.com >; Diaz, John <JDiaz@sfchronicle.com >
Subject: Re: [EXT] Fwd: Fw: SF Chronicle needs response for deadline story

I just wanted to follow up to see if you would be interested in running this piece.

On Wed, Jul 22, 2020 at 8:08 PM Patricia Brooks <patricia@matchmapmedia.com> wrote:

Thanks so much. John, please see what I would like to submit below on behalf of myself, Patricia Brooks. I am a media relations consultant, who volunteers with the Shahid campaign, and I am a survivor.

(Please note: I would rather not say of what publicly, but I am a survivor of childhood rape by a prominent person in our community when I was younger. This is information on background only. The reason why I don't want to say that publicly is because it involves other people and coming forward with it at this time will hurt them. My perpetrator is in jail thanks to the help of the media.)

The rapid canceling of Shahid Buttar is not progressive or democratic

Following the recent allegations toward Congressional Candidate Shahid Buttar, causing an instant virtue-signaling backlash from the progressive community, I feel an ethical duty and qualification to come forward and offer much-needed perspective and facts based on my own unique personal experience.

I am a survivor, progressive activist for nearly 20 years, and a media consultant who has been volunteering for Shahid Buttar's campaign in a high-level capacity that allowed me to work directly with him since May. I have a personal value not to accept money from politicians, so I can remain an objective and independent thinker. I have, effectively, spent more time working on the campaign than some of the staff who have come forward recently to offer concerns regarding his management style.

As a survivor, the #metoo reckoning is my number one voting issue. I vocally called for the stepping down of all politicians, including Democrats like Al Franken, when they made mistakes in the past regarding their treatment of other people. I stopped supporting Stacey Abrams when she came forward and said she did not believe Tara Reade in her allegations against Joe Biden.

When a woman publicly came forward with a tweet alleging Shahid of sexual harassment many years ago, I was disgusted. Like many other survivors, I wholeheartedly and with every fiber of my being recognize I must believe her claims. I have seen what coming forward and not being believed looks like. It's awful. My heart goes out to her.

At the same time, I also believe Shahid in his denial of these allegations. The trauma of not being believed echoes along both sides. Shahid is a person of color being accused of actions he denies, and that carries a heavy weight. Shahid spent his own birthday being labeled and rapidly judged, and he did it with the utmost integrity and grace. He took input from the survivors on our team regarding his reaction when reporters called, and he listened to the staff. He did it in a way that was genuine and truly seeking to learn and grow.

I do not know what happened. I suspect, like the adage goes, there are two sides of a story and somewhere in between that is the truth. I don't know what he was like in his 20s, but Shahid is not the same today. Working on the team, Shahid has always been respectful to me. He comes off as a leader who exemplifies outstanding work ethic and a commitment to the highest standards. I have not witnessed any gender-based discrimination on the campaign, but I have seen him pressure staff to do their best. That can be off-putting to some people.

Shahid's campaign was given very minimal time to respond to these recent allegations in the press. Reporters were working on a deadline to cover the statements that came out suddenly, and they didn't have time to do the due diligence of a full investigation and talking to others involved like current staff and character witnesses. I am not attacking reporters, who were instrumental in bringing justice during my own experience and brought me toward seeking a career in media relations today. I am pointing out that more information needs to be shared before making final judgements.

The difference between Shahid and all the other politicians I have canceled recently is the integrity of Shahid's response. The entire political spectrum has gotten their response to the #metoo movement wrong. Progressives have an opportunity to get it right, and we are missing the mark again.

The #metoo movement brought a well-needed reckoning. Instead of listening to each other and learning, we have moved into extremes of villainizing, virtue-signaling, cancel culture, spreading gossip and misinformation and victim-blaming. We have lost sight of the fact that we are all fallible humans worthy of respect and the opportunity to grow. It is like we lost all our ethics.

There are even some people suggesting this is a smear from the Pelosi campaign. That is absurd. Nancy Pelosi has largely ignored the campaign and does not even want to debate. By the way, Nancy, if you are reading this, please debate Shahid!

Before we act so quickly to cancel, let's give people a chance to show improvement and partake in the restorative justice process that we tout so much. I would prefer we all take a step back, seek more facts, and think about the most effective way to seek justice.

On Wed, Jul 22, 2020 at 1:11 PM Garofoli, Joe <JGarofoli@sfchronicle.com> wrote:

Hi Patricia,

One opportunity that might be available would be an Op-Ed. Our editorial page editor John Diaz said he would entertain reviewing one. He's at jdiaz@sfchronicle.com.

Joe

Joe Garofoli

Senior Political Writer

San Francisco Chronicle

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Host of "It's All Political" podcast <https://apple.co/2EGbK4r>

Archive of stories/blogs: <https://www.sfchronicle.com/author/joe-garofoli/>



*Watch [‘We are San Francisco’](#)

From: Patricia Brooks <patricia@matchmapmedia.com>

Date: Wednesday, July 22, 2020 at 5:44 AM

To: Joe Garofoli <JGarofoli@sfchronicle.com>, "press@shahidforchange.us" <press@shahidforchange.us>

Subject: Re: [EXT] Fwd: Fw: SF Chronicle needs response for deadline story

Hi Joe,

Thanks so much for your coverage last night. I understand you were working on a deadline, and you needed to get the details together quickly. It also seems that you didn't have time to do the type of investigation into the claims that one would do if they had more time. There is a lot more to this story that we think will be illuminating, and we want to make sure Shahid's full thoughts are addressed and his position is heard.

As a volunteer for the campaign working on media relations, who at this point spent more time with the campaign than some of the staff who left, I feel there are a number of voices that were left out of the first story. Due to time limits, we did not have time to arrange. Can we do a follow up today or soon?

Shahid is an ally to survivors and he was committed to not victim-blaming or character assassination. He listened to us, those survivors on his team, when responding. He knows the situation puts him in a position where saying certain things would be inflammatory even when the allegations are false. It is not a position to be envied. We want to present his story in a way that doesn't inflame people, but we also want to get it out.

We would like a story that offers Shahid the opportunity to give his perspective here and invites others who are closer to this situation. We gave a limited response, but given more time, we could really tell a much bigger picture. Can you advise on what opportunities might be available for that?

Best,

Patricia Brooks
(202) 351-1757

On Tue, Jul 21, 2020 at 8:30 PM Patricia Brooks <patricia@matchmapmedia.com> wrote:

We do have some people who can speak about Shahid's character and other claims Liz has made in the past that are false--including one who alleges that she also made false claims about her husband. Would you want to speak with them? We are reluctant to attack her character out of respect to survivors, of which I am personally one, so I am sensitive this issue, but they are willing to speak with you.

On Tue, Jul 21, 2020 at 8:01 PM Garofoli, Joe <JGarofoli@sfchronicle.com> wrote:

To clarify: I'm asking if this comment: "I invite their examination of the issues and our campaign welcomes any scrutiny." Is a response to the DSA SF reconsidering its endorsement.

Joe Garofoli
Senior Political Writer
San Francisco Chronicle
jgarofoli@sfchronicle.com
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***Watch ['We are San Francisco'](#)**

From: Patricia Brooks <patricia@matchmapmedia.com>

Date: Tuesday, July 21, 2020 at 4:57 PM

To: Joe Garofoli <JGarofoli@sfchronicle.com>

Subject: Re: [EXT] Fwd: Fw: SF Chronicle needs response for deadline story

We are unsure the date.

Sent from my iPhone

On Jul 21, 2020, at 7:55 PM, Garofoli, Joe <JGarofoli@sfchronicle.com> wrote:

Thanks.

It seems like some of this statement addresses the DSA SF reconsidering its endorsement of Shahid. That will take place at an Aug. 4 meeting. Is that accurate?

Thanks.

Joe

Joe Garofoli

Senior Political Writer

San Francisco Chronicle

jgarofoli@sfchronicle.com

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Cell: 415-297-9627

Twitter: @joegarofoli

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<image001.png>

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From: Patricia Brooks <patricia@matchmapmedia.com>

Date: Tuesday, July 21, 2020 at 4:50 PM

To: Joe Garofoli <JGarofoli@sfchronicle.com>

Subject: [EXT] Fwd: Fw: SF Chronicle needs response for deadline story

Hi Joe,

Here is the statement from Shahid.

A former acquaintance recently provided a statement on Twitter regarding sexual harassment. These claims are false. Every survivor must be heard, and I hope to be allowed the same opportunity to be heard as well. Sexual harassment is despicable. Those who exploit structural sexism and power imbalances must be exposed. I am committed to putting survivors' interests before my own. These claims have been amplified by former staff who have conflated our campaign's attempts to manage concerns with their performance with gender-based discrimination. This discussion has moved into local organizations, who are looking into the matter. I invite their examination of the issues and our campaign welcomes any scrutiny.

Best,

Patricia Brooks

From: Garofoli, Joe <JGarofoli@sfchronicle.com>
Sent: Tuesday, July 21, 2020 3:42 PM
To: Christopher Cook <christopher-d-cook@hotmail.com>
Subject: SF Chronicle needs response for deadline story

Hi Christopher,

We are writing a story about the allegations in Elizabeth Croyden's Medium post.
<https://medium.com/@elizabethcroydon/shahid-buttar-repeatedly-sexually-harassed-me-1a23f22924dd>

We would like to give the campaign an opportunity to respond to what she has alleged. I am writing this right now. It is scheduled to be published in Wednesday's print edition and be online sometime tonight.

Thanks,

Joe

Joe Garofoli
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*Watch '[We are San Francisco](#)'

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Joshua I. Álvarez | he/him
Communications Coordinator
Shahid Buttar for Congress 2020